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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/727,970
	Filing Date	December 4, 2003
	First Named Inventor	Shih-Yaw Lai, et al.
	Art Unit	1713
	Examiner Name	Roberto Rabago
	Attorney Docket Number	DOW-8544-CJ
Total Number of Pages in This Submission		5

ENCLOSURES (Check all that apply)		
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Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Alan E. Wagner, Esq. Whyte Hirschboeck Dudek S.C. 555 East Wisconsin Avenue, Milwaukee, WI 53202
Signature	<i>Alan E. Wagner</i>
Date	May 6, 2004

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**OFFICIAL** PATENT

Attorney Docket No. DOW-8544-CJ (40121CJ)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Shih-Yaw Lai, et al.  
Serial No. : 10/727,970  
Filing Date : December 4, 2003  
For : Elastic Substantially Linear Olefin Polymers  
Group Art Unit : 1713  
Examiner : R. Rabago

## CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

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## 37 CFR 1.8(a)

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## 37 CFR 1.10

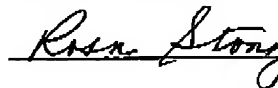
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RESPONSE UNDER 37 C.F.R. §1.111

## INTRODUCTORY COMMENTS

Dear Sirs:

This Response replies to the Office Action mailed February 11, 2004.

The Examiner has rejected Claims 41-43 under the judicially-created doctrine of obviousness-type double-patenting. Although the Examiner made provisional double-patenting rejections over 3 co-pending applications, one of the cited patent applications (10/270,212) has since issued (as US 6,737,484) and another (10/176,304) has been abandoned as of 2/26/04. Therefore, the Applicants include a Terminal Disclaimer containing a provisional disclaimer

MKE/934782.1

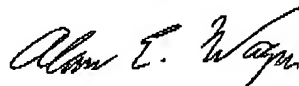
Shih-Yaw et al.

S/N: 10/270,212

over USSN 10/354,416 and non-provisional disclaimers over US Pat. Nos. 6,737,484; 5,525,695; 5,380,810; 6,534,612; 6,136,937; and, 5,783,638.

The Applicants believe that the above remarks and terminal disclaimer place the application in condition for allowance. Therefore, the Applicants request that the Examiner issue a Notice of Allowance for Claims 41-43.

Respectfully submitted,

Dated: May 6, 2004

Alan E. Wagner  
Registration No. 45,188

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